

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TROY BRANNING,

Plaintiff,

v.

WAYNE COUNTY, et al.,

Defendants.

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3:15-CV-1936  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2017, upon *de novo* review of  
Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 24), **IT IS HEREBY  
ORDERED THAT:**

1. Defendants' Objections (Doc. 25, 26) are **SUSTAINED**.
2. The R&R (Doc. 24) is **ADOPTED IN PART AND OVERRULED IN PART**;  
specifically, Defendants' Motion for Summary Judgment (Doc. 14) is **GRANTED IN  
PART AND DENIED IN PART** as follows:
  - a. Defendants' motion for summary judgment on Count II of Plaintiff's Amended  
Complaint is **GRANTED** for the reasons set forth in Magistrate Judge  
Carlson's R&R.
  - b. Defendants' motion for summary judgment on Count IV of Plaintiff's  
Amended Complaint is **GRANTED** for the reasons set forth in the  
accompanying memorandum opinion.

- c. Defendants Vicky Botjer, Skip Martin, Brian Smith, Jonathan Fritz, and Wendell Kay are **DISMISSED** from Count I and Count V in their official capacities only.
  - d. Defendants' motion for summary judgment is **DENIED** in all other respects for the reasons set forth in Magistrate Judge Carlson's R&R.
3. A telephone conference to schedule the above-captioned matter for trial on Counts I, III, and V shall be held on **Wednesday, September 20, 2017, at 3:30 p.m.**



Robert D. Mariani  
United States District Judge